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In re Application of :
Wright :
Application No. 09/767,014 :
Filed: January 22, 2001 :
Attorney Docket No. SLC-10002/29 :
For: INSTANTANEOUS INTERNET
CHARGING

ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed June 6, 2006, requesting that the Office withdraw the holding of abandonment of the above-identified application.

The petition under 37 CFR 1.181 is **GRANTED**.

This application was held abandoned for failure to respond in a timely manner to the non-final Office action, mailed September 6, 2005, which set forth an extendable three (3) month period for reply. The Office contended that this application became abandoned on December 7, 2005 for failure to reply to the September 6, 2005 non-final Office action. A Notice of Abandonment was mailed on May 23, 2006.

A Notice of Appeal was filed in this application on April 15, 2005. An Appeal Brief was timely filed on June 20, 2005 (certificate of mailing date June 15, 2005). Examiner Charles reopened prosecution with the September 6, 2005 non-final Office action. Petitioner was given two options for replying to the September 6, 2005 non-final Office action. Petitioner could file an amendment or request reinstatement of the Appeal. Petitioner requested reinstatement of the Appeal and filed a supplemental Appeal Brief on December 8, 2005 (certificate of mailing date December 6, 2005). These documents are present in the application file. Therefore, petitioner filed a proper reply to the September 6, 2005 non-final Office action in a timely fashion.

The petition under 37 CFR 1.181 is **granted**, the Notice of Abandonment is **vacated**, and the holding of abandonment is withdrawn. No petition fee has been or will be charged in connection with this matter.

Accordingly, the application file will be forwarded to Technology Center A.U. 3624 for consideration of petitioner's request for reinstatement of the Appeal and supplemental Appeal Brief, both filed on December 8, 2005 (certificate of mailing date December 6, 2005).

Telephone inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

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